IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 163 OF 2007
IN
SECOND APPEAL NO. 32 OF 2005

MARIA BENVINDA S. DIAS COSTA ALIAS
AMELIA DIAS (SIN DEC) THROUGH LR'S ... Applicant
Versus
LILIA KHER AND 4 ORS., ... Respondents

Mr. J. Abreu Lobo, Advocate for the applciants.
Mr. D. Pangam, Advocate for the respondents No. 1 to 5.

Coram:- R. S. MOHITE, J.

Date:- 4th October, 2007

P.C.

Heard both sides. This is an application, seeking interim relief in a second appeal, which has been admitted on merits. It appears that the plaintiffs' suit has been decreed by a Judgment and Decree of the appellate Court in terms of prayer clauses (a) and (b) of the plaint. Prayer (a) is for a declaration that the plaintiffs are owners. Prayer (b) is, however, for a direction to the Inquiry Officer, City Survey, at Panaji to delete the name of the defendant from the records maintained by the same officer under the Goa Land Revenue Code and to insert the names of the plaintiffs in the said records. The concerned Government Officials were not party to the suit and, prima facie, such a direction ought not to have been given and cannot be enforced in an execution proceeding. Hence, there will be a stay in so far as prayer (b) is concerned. There will be liberty to the parties to approach the concerned Revenue Officer under the Land Revenue Code and if any such an application is made, the same will be decided in accordance with law. Civil application disposed off.

R. S. MOHITE, J.

ssm.